

Remarks

Reconsideration of this patent application is respectfully requested, particularly as herein amended.

Before turning to the merits of the Office Action of February 7, 2006, the undersigned would like to thank the Examiner for the courtesy of discussing this matter by telephone on April 4, 2006. During these discussions, the subject matter of the independent claims (claims 1, 10 and 18) was discussed relative to the rejections presented in the Office Action, and the present Reply is being submitted in furtherance of the Examiner's reconsideration of the pending claims.

Turning to the merits of the Office Action of February 7, 2006, claims 1 to 6 and 9 have been rejected under 35 U.S.C. §102(e) as being anticipated by the previously cited U.S. Patent No. 6,523,223 (Wang). Claims 1 to 6, 9, 10 to 14, 17, 26 and 30 to 32 have further been rejected under 35 U.S.C. §102(b) as being anticipated by a newly cited U.S. Patent No. 2,023,826 (Van Buskirk). Claims 18 to 29 and 33 have further been rejected under 35 U.S.C. §103(a) as being unpatentable over a proposed combination of a newly cited U.S. Patent No. 5,586,665 (Brousseau) with Van Buskirk.

At page 5 of the Office Action, it is indicated that the lock bolt 25 of Wang is movably coupled with the locking hole 121 which is formed in the ear 12, and that the latch bolt 13 of Van Buskirk is movably coupled with the hole 22 which is formed in the tongue 23. However, at the middle of page 5, it is

further indicated that such structure would not constitute a disclosure of a locking mechanism which is fixed to the flange associated with the mounting component.

Independent claims 1 and 10 (and also dependent claim 24) have presently been amended to recite "a locking mechanism fixed to the flange of the second plate" of the claimed fixture, distinguishing both Wang and Van Buskirk. Accordingly, it is submitted that the rejections of pending claims 1 to 6, 9 to 14, 17 and 30 to 32 under 35 U.S.C. §102 as being anticipated by the patents to Wang and Van Buskirk have been overcome.

At page 6 of the Office Action, it is indicated that the mail box container of Van Buskirk has an accessible position (Fig. 2) and a non-accessible position (Fig. 3). However, in Fig. 2 and Fig. 3 of Van Buskirk, it is the interior of the mail box container which is made accessible or non-accessible, as distinguished from the subject matter recited in applicants' independent claim 18, which includes portions of a rack wherein a component mounted to the rack can be freely accessed, and portions of limited access in the rack wherein the component is at least partially blocked by the supports which comprise the rack.

Brousseau is further cited to show a storage rack for storing bottles. However, Brousseau's rack does not include portions wherein a component mounted to the rack can be freely accessed, and portions of limited access wherein that component is at least partially blocked by the supports of the rack. The bottles in the front row of the rack are in all cases accessible,

and the bottles behind the front row of bottles are in all cases not accessible. There is no disclosure, whatsoever, which would suggest how to make the bottles in Brousseau's rack selectively accessible and non-accessible.

Moreover, Brousseau is cited to show a storage rack that the mail box container of Van Buskirk could be mounted to. Motivation for such a proposed combination is given at page 4 of the Office Action. To this end, it is indicated that the person of ordinary skill in the art at the time the present invention was made would have been motivated to combine the rack of Brousseau with the mail box container of Van Buskirk "to provide the rack with additional storage for bottles" or "to provide the display assembly with a means of advertising a new product". However, the subject matter of the present invention is not directed to additional storage or advertising, but rather is directed to a rack having portions wherein a component mounted to the rack can be freely accessed, and portions of limited access wherein that component is at least partially blocked by the supports of the rack.


Consequently, no proper motivation has been shown for combining the teachings of Brousseau and Van Buskirk to produce the improvements of the present invention, and it is submitted that the proposed combination of Brousseau and Van Buskirk is, therefore, not properly made. Moreover, even if combined as proposed, there still would be no suggestion of how the mail box container of Van Buskirk could make the bottles in Brousseau's rack selectively accessible and non-accessible.

In discussing this matter with the Examiner, the foregoing distinction in overall operation was noted, and it was further noted that the stated rejection of claims 26 to 33 suggests that the rack has not yet been treated as being positively recited in the claims. It was further indicated that claim 18, as presented in the Reply filed December 29, 2005, was amended to positively recite both the component and the rack, and that such structures should, therefore, be given due consideration as positively recited claim elements.

The Examiner confirmed that he had not considered the rack as a positively recited element, and that a reconsideration of such structure was appropriate. It is, therefore, submitted that the rejection of pending claims 18 to 29 and 33 under 35 U.S.C. §103(a) as being unpatentable in view of the proposed combination of Brousseau and Van Buskirk, and the rejection of pending claim 26 under 35 U.S.C. §102(b) as being anticipated by the patent to Van Buskirk, have also been overcome.

In view of the foregoing, it is submitted that this application is in condition for allowance and corresponding action is earnestly solicited.

Respectfully submitted,


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